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*J.C. Steele & Sons, Inc.*

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

KMI ZEOLITE, INC., a Nevada corporation,  
 Plaintiff / Counterclaim-  
 Defendant,

v.

J.C. STEELE & SONS, INC., a North Carolina  
 corporation; DOES, I-X, ROE BUSINESS  
 ENTITIES I through X, inclusive,  
 Defendant / Counterclaim-  
 Plaintiff.

Case No. 2:24-cv-01215-RFB-EJY

**STIPULATION TO EXTEND THE CLOSE  
 OF DISCOVERY FOR THE LIMITED  
 PURPOSE OF DEPOSING PLAINTIFF'S  
 EXPERT WITNESS STAN SMITH**

**(THIRD REQUEST)**

Pursuant to LR 26-3, Defendant J.C. Steele & Sons, Inc. ("J.C. Steele"), by and through undersigned counsel, and Plaintiff KMI Zeolite, Inc. ("KMI") hereby state as follows:

KMI filed the instant lawsuit on July 4, 2024. *See* ECF No. 1. After filing a motion to dismiss, J.C. Steele answered on December 6, 2024. *See* ECF Nos. 8, 28. The parties filed an Amended Stipulated Discovery Plan and Scheduling Order on December 3, 2025 (ECF No. 24), which the Court adopted (ECF No. 25). Discovery closed on July 11, 2025. *See* ECF No. 48.

**I. DISCOVERY COMPLETED**

The following discovery has been completed in this matter:

- a. Each party has served disclosures and supplements pursuant to FRCP 26.
- b. On December 20, 2024, J.C. Steele served Requests for Admission, Requests

1 for Production, and Interrogatories, to which KMI responded on February 4, 2025.

2 c. On February 17, 2025, KMI served Requests for Production, to which J.C.  
3 Steele responded on April 14, 2025.

4 d. On April 8, J.C. Steele served its Second Set of Requests for Production, to  
5 which J.C. Steele responded on May 8, 2025.

6 e. On April 21, 2025, KMI disclosed two experts.

7 f. On May 7, 2025, KMI served its Second Set of Requests for Production, to  
8 which J.C. Steele responded on June 6, 2025.

9 g. On May 7, 2025, KMI served its Interrogatories, to which J.C. Steele  
10 responded on June 6, 2025.

11 h. On May 14, 2025, KMI served its Second Set of Interrogatories to which  
12 J.C. Steele's responses are due June 13, 2025.

13 i. On May 14, 2025, KMI served its Third Requests for Production of  
14 Documents, to which J.C. Steele's responses are due June 13, 2025.

15 j. On June 13, 2025, J.C. Steele responded to KMI's May 14, 2025 written  
16 discovery.

17 k. J.C. Steele has taken the deposition of three individuals and the deposition  
18 of one of KMI's expert witnesses.

19 l. KMI has taken the deposition of four witnesses.

20 m. J.C. Steele has disclosed its rebuttal expert witnesses.

21 **II. DISCOVERY REMAINING**

22 a. J.C. Steele intends to depose KMI's designated damages expert, Stan Smith.

23 b. J.C. Steele intends to depose a Rule 30(b)(6) designee for KMI and provided  
24 KMI with topics on May 29, 2025. The parties have met and conferred regarding the topics,  
25 and KMI has stated it intends to seek a protective order. If the court denies that requested  
26 relief, discovery may need to be reopened for the limited purpose of allowing J.C. Steele to  
27 depose KMI's designee.  
28

**III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME LIMITS SET BY DISCOVERY PLAN**

Dr. Smith's deposition was initially scheduled for Wednesday, June 25, 2025, before the close of discovery. On Friday, June 20, 2025, in a separate matter where J.C. Steele's counsel is also counsel, the Court set an emergency hearing for Monday, June 30, 2025, on multiple briefs and shortened the time to complete briefing. Given the scope of the issues to be addressed in that other matter in the limited time available, J.C. Steele's counsel was forced to reschedule the deposition of Dr. Smith in this matter. Although J.C. Steele and KMI's counsel were available to take the deposition of Dr. Smith before the close of discovery, Dr. Smith was not available for those same dates for a full date deposition before the close of discovery. On June 24, 2025, KMI's counsel provided availability for Dr. Smith, who was available on August 15, 18, 19, and 26. J.C. Steele and KMI's counsel have agreed that J.C. Steele will take the deposition of Dr. Smith on August 15, 2025, his earliest available date. This stipulation could not be submitted 21 days before the close of discovery because J.C. Steele did not have Dr. Smith's availability until June 24, 2025 (less than 21 days before the close of discovery).

**IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

Event	Previous deadline	New Deadline
Close of Discovery	July 11, 2025	August 15, 2025—for the limited purpose of deposing Dr. Smith; all other discovery will be closed on July 11, 2025

This is the third request to extend any discovery deadlines in this action. No other deadlines will be affected by this requested extension. The parties submit this Stipulation and Order in good faith and not for purposes of delay or to prejudice any party.

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1 DATED this 14th day of July, 2025.

2 HANKS LAW GROUP

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By: /s/ Lucy C. Crow

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*Attorneys for Defendant J.C. Steele & Sons, Inc.*

9 *Attorneys for KMI Zeolite, Inc.*

10 **IT IS SO ORDERED**

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13   
14 UNITED STATES MAGISTRATE JUDGE

15 DATED: July 15, 2025